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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,292	02/15/2001	Amy L. Fletcher	KCC-15,171	2228
35844	7590	07/28/2004		
PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD HOFFMAN ESTATES, IL 60195				
			EXAMINER REICHLE, KARIN M	
			ART UNIT 3761	PAPER NUMBER

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/784,292	Applicant(s) FLETCHER ET AL.	
	Examiner Karin M. Reichle	Art Unit 3761	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): the rejection set forth in Paragraph 12 of the FINAL.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on 29 June 2004 is a) ☐ approved or b) ☒ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

K.M. Reichle
Karin M. Reichle
Primary Examiner
Art Unit: 3761

Continuation of 5. does NOT place the application in condition for allowance because: while the remarks with respect to the double patenting rejection have been noted such do not overcome the provisional rejection. The remarks in A with respect to the prior art were considered but were deemed not persuasive. For example, there is no teaching in the prior art reference to Kuen '162 nor any other evidence submitted to support Applicants conclusion on page 11, lines 9-12. Such remarks are not commensurate with col. 5, lines 59-62 of Kuen '162. The conclusions with respect to Keuhn Jr and Sauer are narrower than the claim language which does not require nonparallel edges in refastenable areas, i.e. the claims just require the edges be nonparallel somewhere therealong. With respect to the paragraph bridging pages 12-13, Keuhn Jr teaches strap members with only refastenable areas or both permanent and refastenable areas can be the same shape, i.e. rectangular. The portion whose edge is curved and denoted 24 in Figure 6 is the backsheet not the strap member as argued by Applicants, i.e. the strap member is denoted 64. Sauer teaches that the straps, i.e. the entire strap members, can have a rectangular shape or a shape in which the edges are nonparallel. It is further noted that the rationale on page 13, lines 2-5 is not agreed with because even if one area is smaller than another, it is not required the smaller area has to have parallel edges. Therefore the combination of the three references would suggest that a pair of straps, whether are refastenable at both ends or refastenable only at one end can have the same shape which shape can include edges which are nonparallel. For these same reasons the arguments in B-E are also deemed not persuasive.

Continuation of 10. Other: The drawing filed 6-29-04 has not been approved because the seam appears to be denoted by other numerals, e.g. on the right side, see 31, 34 and 29. Also the center dashed line should be a solid line. The remarks on page 10 with respect to such have been noted but are deemed not persuasive..